

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-234-C – ORDER NO. 97-839
SEPTEMBER 29, 1997

✓/MR

IN RE: Chris Bone, <u>et al.</u> ,)	ORDER
)	DISMISSING
Complainants/Petitioners,)	COMPLAINT
)	
vs.)	
)	
Horry Telephone Cooperative, Inc.)	
and AT&T Communications of the)	
Southern States, Inc.,)	
)	
Defendants/Respondents.)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Dismiss filed by the Defendants/Respondents in this matter, Horry Telephone Cooperative, Inc. (Horry) and AT&T Corp., AT&T Communications, Inc. and AT&T Communications of the Southern States, Inc. (collectively AT&T). The Complainants/Petitioners Chris Bone, et al. (Bone), filed a response to the Motion and also a Motion for Summary Judgment.

Among the several grounds stated by Horry and AT&T in this Motion is that the proceeding before the Commission duplicates a lawsuit commenced by Bone and now pending in the Federal Court. Apparently Bone and others have asserted similar claims in a putative class action now pending in the United States District Court for the District

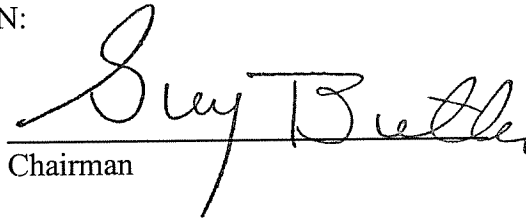
of South Carolina, Florence Division. The Defendants/Respondents assert that Bone and the other Complainants/Petitioners should not be permitted to pursue essentially identical claims in two separate proceedings. We note from the record that the Federal Court action was filed prior to this complaint before the Commission.

Bone asserts in his response that there are differences between the two actions. We are not convinced. We believe that the claims before the Federal Court and this Commission are based on the same allegations concerning the marketing of services by AT&T. Although we have issued certain orders on marketing practices before, we see no need to duplicate consideration of essentially the same issues presently going on in the Federal Court. We hold that the Motion to Dismiss is granted on this ground.

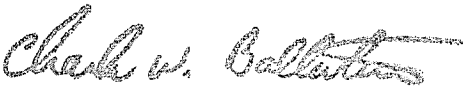
Having ruled on the Motion based on the first ground, we see no need to address the remaining grounds asserted by Horry and AT&T at this time. Further, due to our ruling on the Motion to Dismiss, we hold that Bone's Motion for Summary Judgment is moot.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:



Executive Director
(SEAL)